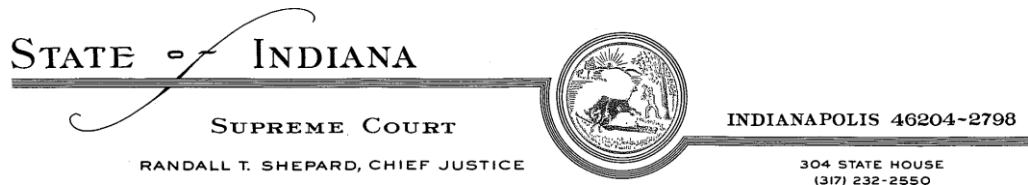


Annual Meeting
Judicial Conference of Indiana
September 21, 22 & 23



2010 Annual Meeting of the Judicial Conference of Indiana

Dear Colleagues:

The Annual Meeting of the Judicial Conference of Indiana is fast approaching. This year's meeting will be held on Tuesday–Thursday, September 21-23, 2010.

In addition to the ability to choose among many excellent educational offerings, we have the opportunity during the annual meeting to meet informally with our fellow officers with the ultimate goal of re-examining our duties and responsibilities. There is no better opportunity for intellectual stimulation and fellowship than this conference.

Beyond the fact that Ind. Code § 33-38-9-5 requires our attendance at this annual meeting, it is a superb way to improve what we do for the people of Indiana. It is vital that we demonstrate our obligation to the citizens we serve by immersing ourselves in the learning opportunities offered through the Annual Meeting.

I look forward to seeing you all in September.

Randall T. Shepard
Chief Justice of Indiana

A Message from the Judicial Education Committee

Amidst the city's bustling downtown activities, the Judicial Education Committee has planned a well-rounded continuing judicial education program for this year's Annual Meeting. Early bird sessions will be available Tuesday morning before the conference officially convenes. During the conference, don't miss

the session on the new plain English instructions, or the "best practice on civility and professionalism in Courtroom. These are just two of many excellent educational opportunities that await you this year.

Conference Agenda

Tuesday, September 21

9:00 A.M. REGISTRATION

10:15 – 11:45 A.M.

EARLY BIRD CONCURRENT SESSIONS

▪ Courthouse and Courtroom Safety

The recent shootings at the federal courthouse in Las Vegas, Nevada and in St. Petersburg, Florida; the prisoner escape out of the Maricopa County Superior Court; and the stabbing of a judge in a courtroom in Stockton, California all attest to the fact that courthouses are becoming more and more dangerous. Courthouses and courtrooms are often places for individuals who feel wronged by the justice system to wreak havoc. This session presents effective strategies and techniques for judges, court staff, and other building tenants to develop partnerships with their court security providers to prepare for and know how to react to such unexpected acts and incidents at work.

▪ Impact of Bankruptcy on Domestic Relations Cases

Will a bankruptcy stop the final divorce hearing? Can we proceed with a contempt even if the support payor files bankruptcy? Can a divorce decree be drafted in such a way that it has a better chance of surviving a bankruptcy filing by one of the parties? This session will address these questions and others concerning the intersection of bankruptcy and divorce.

▪ Internet, Blogs, Social Networking Sites [ⓔ]

Social networking, web posting, on-line chatting, and blogging present a variety of concerns that can be especially acute for judges. Users can be publicly identified with positions or causes that may prove embarrassing or inconvenient; materials can end up being viewed by unintended audiences, taken out of context, aggregated with other information, or remain available even after the original poster wishes to remove the material. These activities pose significant risks to personal privacy and information security. This session will consider a wide range of ethical, legal, and practical issues and offer strategies for staying safe on-line. (Spouses/guests welcome to attend—space permitting.)

▪ On-line Tools for Judges: INcite–Indiana Court Information Technology Extranet

In addition to a statewide case management system (Odyssey), JTAC has developed other applications available on INcite (a standardized, secure, Internet portal) that benefit Indiana's courts, clerks, and public. This session will provide an overview of the INcite applications and will focus primarily on JTAC's Protection Order Registry and Advocate Access, BMV driver records and electronic SR16 transmission, Mental Health Adjudication, and the Jury Pool and Jury Management System. Laptops will be provided for hands-on training, and will be available on a first come, first served basis. (This session will be repeated on Wednesday morning at 10:15 A.M.)

11:45 A.M. – 1:00 P.M. LUNCH

11:45 A.M. – 1:00 P.M. IJA Board of Managers Lunch/Meeting

1:15 – 2:30 P.M.

ANNUAL MEETING CONVENES— OPENING SESSION

- Welcome by Randall T. Shepard, Chief Justice of Indiana
- **Keynote Presentation: Judicial Independence—Changing the Face of Judicial Selection Across the Nation: Partisan Politics, Merit Selection, and Fair & Impartial Courts.** Rebecca Love Kourlis, Executive Director, Institute for the Advancement of the American Legal System

3:00 – 4:30 P.M.

CONCURRENT SESSIONS

▪ Criminal Law Update

Interested in caselaw developments in Criminal Law? Attend this session where the speaker will review criminal procedure cases from the past year in the areas of pre-trial, trial, jury, and post-conviction issues. The presentation will also include a follow-up on the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 129 S. Ct. 2527 (U.S. 2009). (This session will be repeated on Wednesday morning at 10:15 A.M.)

▪ Civility and Professionalism: Handling “Rambo” [ⓔ]

How can judges promote civility among counsel and litigants? What are some suggestions for attorneys who take their role as a zealous advocate into unprofessional conduct territory? This interactive session will explore tools for judges to use to improve civility in their courtrooms.

▪ “Allow Me to Get that Door” – Judge as a Gatekeeper

In this session we will review the rules of evidence applicable to the qualification of experts and the admission of expert testimony. At times, judges are uncomfortable with the role of gatekeeper where someone seeks to qualify an expert witness or to offer expert opinion testimony. In this interactive class, the learner will have an opportunity to practice the application of the rules as a gatekeeper. (This session will be repeated on Thursday at 10:00 A.M.)

▪ The Truth About Nominating Commissions, Judicial Performance Evaluations, and Retention Elections From a Judge's Perspective [ⓔ]

This session will explore some of the myths and fears about merit selection from a judge's perspective. The speaker will share the many experiences of judges from Colorado, Utah, and Arizona who are selected by a four-point merit selection process. This session will include both personal experiences and empirical data that will address the questions most frequently asked about merit selection.

▪ On-line Communication and the Legal System: Email Security for the Judiciary

Email and other forms of internet communication present plenty of opportunities—and pitfalls—for the legal profession. This session will provide an overview of on-line tools and communication considerations. The presentation will address developments in technology and law that impact on-line security practices, and will highlight practical steps to protect data by safeguarding confidential communications.

Tuesday, September 21 (Continued)

Judicial Officer Benefit Information

Staff from the Division of State Court Administration will be available all day on Tuesday and Wednesday to answer questions about judicial officer benefits.

6:00 P.M.

Welcome Reception & Casual Dinner

Wednesday, September 22

7:30 – 8:15 A.M. EARLY BIRD SESSION:

- **Weighted Caseload Study Project** (Tentative)

**8:30 – 9:45 A.M. PLENARY SESSION–
COURT BUSINESS**

10:15 – 11:45 A.M. CONCURRENT SESSIONS

- **Family Law Update**

This session will recap important decisions from the past year in the family law area of dissolution, property division, child custody, child support, and parenting time. (This session will be repeated at 1:45 P.M.)

- **Criminal Law Update**

Interested in caselaw developments in Criminal Law? Attend this session where the speaker will review criminal procedure cases from the past year in the areas of pre-trial, trial, jury, and post-conviction issues. The presentation will also include a follow-up on the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 129 S. Ct. 2527 (U.S. 2009). (This is a repeat session from Tuesday afternoon.)

- **Say WHAT?! The New Plain English Civil Jury Instructions (Life After Proximate Cause)**

A completely new edition of the Indiana Civil Jury Instructions has been published . . . in plain English. No more “proximate cause”! No more “preponderance of the evidence”! Want to learn about the new instructions and talk with members of the committee who wrote them? Attend the **Say WHAT?!** session. It will focus on why plain English instructions are important, the process used to draft the model instructions, and how the new models are part of overall jury reform in Indiana. (This session will be repeated at 1:45 P.M.)

- **Seven Words You Can Never Say on Television** [ⓔ]

What are the four words that strike fear in even the bravest judge? “The media just called.” What should you do when a reporter calls and asks for a comment about a case? How about when a camera is shoved in your face or something untrue appears about you in a blog? George Carlin had his list, we have ours. This session deals with how to handle media inquiries and how you should appropriately respond to the press and public to ensure you are in compliance with the Code of Judicial Conduct. (Spouses/guests welcome to attend—space permitting.)

- **On-line Tools for Judges: INCite–Indiana Court Information Technology Extranet**

In addition to a statewide case management system (Odyssey), JTAC has developed other applications available on INCite (a standardized, secure, Internet portal) that benefit Indiana’s courts, clerks, and public. This session will provide an overview of the INCite applications focusing on JTAC’s Protection Order Registry and Advocate Access, BMV driver records and electronic SR16 transmission, Mental Health Adjudication, and the Jury Pool and Jury Management System. Laptops will be provided for hands-on training, and will be available on a first come, first served basis. (This is a repeat session from Tuesday morning.)

- **Judicial Officer Benefit Sessions**

Several insurance carriers and retirement plan administrators will provide information on the various benefit plans currently being offered to Indiana judicial officers. (Sessions will be offered from 10:15-11:45 A.M. and 1:45-3:15 P.M.)

12:00 – 1:30 P.M. Lunch

76th Annual Meeting of the Indiana Judges Association

1:45 – 3:15 P.M. CONCURRENT SESSIONS

- **Family Law Update**

(This session is a repeat from 10:15 A.M.)

- **Atticus Finch Ethics and the 21st Century** [ⓔ]

Utilizing video clips from the classic *To Kill a Mockingbird* and the current news headlines, this session will review ethics from a historical perspective through modern applications of Judicial Canons and the Constitution in the 21st century. The Supreme Court cases of *Republican Party of Minnesota v. White* and *Caperton v. Massey Coal* and their progeny will be analyzed along with how states have reacted to the rulings by modifying their Rules of Judicial Conduct. (Spouses/guests welcome to attend—space permitting.)

- **Application of the Indiana Risk Assessment System**

This session will provide a review of the Indiana Risk Assessment System (IRAS)—Adult and how the results can be used to help inform decisions from the bench. The presentation will focus on the output provided from a completed IRAS assessment, recommendations for its application, and an understanding of how it can track an adult offender’s progress while under supervision.

- **Say WHAT?! The New Plain English Civil Jury Instructions (Life After Proximate Cause)**

(This session is a repeat from 10:15 A.M.)

Wednesday, September 22 (Continued)

▪ **Child Support Calculator**

This class will provide an introduction to Indiana's three child support calculators. Faculty will provide an overview of the three calculators (On-line for Parents, On-line for Practitioners, Downloadable for Practitioners) and how they can work together. The session will also include a walk-through of the downloadable calculator, including tips for quick data entry, how to set your preferences, and more. Laptops will be provided for hands-on training, and will be available on a first come, first served basis.

3:30 – 4:30 P.M. LATE BIRD SESSIONS

▪ **What's Happening with Your Courthouse – Courthouse Use & Preservation**

As a follow-up to the popular session from last year's Annual Meeting, join in a discussion about how two counties—Jefferson and Randolph—are approaching challenges that can face many county officials as they seek to maintain and adapt their historic courthouses for the future. Representatives from Jefferson County will talk about how their county faced a devastating fire in 2009 and has been slowly restoring its courthouse while accommodating county office needs. Officials from Randolph County will describe the lengthy debate that county has engaged in over the future of the Randolph County Courthouse and some possible solutions. (Spouses/guests welcome to attend—space permitting.)

▪ **Mental Health Dockets**

A panel of three Indiana judges will discuss their varying and different approaches to mental health dockets in their courts. The three judges, dependent upon their jurisdictions' needs and limitations, have sought to resolve effectively and efficiently the cases of parties in court proceedings who have mental health issues. Public safety is furthered by their innovative solutions to individuals with mental health issues who find themselves in the court systems.

▪ **Everything You've Always Wanted to Know About a Senior Judge But Were Afraid to Ask...**

The availability of senior judges is a valuable asset to any court. But do trial judges realize just how much they might benefit from the services of a senior judge? Do senior judges understand how they can best offer their expertise? Join this round table discussion on the best use of senior judges.

▪ **A Leisurely Drink from the Fire Hose**

Stop in and attend a primer on some basic concepts and technology that all judicial officers should know about and can use to manage the torrent of information available to them on their cell phones and from their computers. From texting through RSS feeds and news readers, and with brief introductions to Twitter, Facebook, and LinkedIn, our internet and computer savvy faculty will explain what's out

there and how you can use it to your advantage if you wish. No expertise required, with information helpful for beginners to intermediate computer users. (Spouses/guests welcome to attend—space permitting.)

4:45 P.M.

- Senior Judges Meeting
- Magistrates Meeting

6:00 P.M.

Reception and Dinner for Graduates of the Indiana Graduate Program for Judges

Thursday, September 23

6:45 – 7:30 A.M. Yoga

Join in with a registered yoga instructor and start your day with a moderately-paced yoga class. Please wear loose clothing and bring a towel or a yoga mat.

7:00 – 8:30 A.M. BREAKFAST BUFFET

8:30 – 9:30 A.M. PLENARY CLOSING SESSION

- Certificates will be awarded to the graduates of the Indiana Judicial College.
- **Away from No Way**—Presentation by Hasan Davis, Deputy Commissioner of Operations, Kentucky Department of Juvenile Justice.

10:00 – 11:30 A.M. CONCURRENT SESSIONS

- **“Allow Me to Get that Door” - Judge as a Gatekeeper**
In this session we will review the rules of evidence applicable to the qualification of experts and the admission of expert testimony. At times, judges are uncomfortable with the role of gatekeeper where someone seeks to qualify an expert witness or to offer expert opinion testimony. In this interactive class, the learner will have an opportunity to practice the application of the rules applicable as a gatekeeper. (This session is a repeat of Tuesday afternoon.)
- **DOC Round-Table Discussion**
Join in a discussion with the Commissioner of the Department of Correction and his staff about purposeful incarceration, the justice reinvestment project, and other topics of interest to both judicial officers and the DOC.
- **Recent Legislation & New Court Rules**
Faculty will discuss new court rules and rule amendments and will review select legislation from the 2010 General Assembly in such areas as criminal law, civil law, probate law, and judicial administration.

Thursday, September 23 (Continued)

▪ **The Same Only Different: Connecting Across Cultures**

In this session we will talk about the way our brains are built, how it affects the way we respond to people from diverse groups, and explore the role of our individual experiences in our subconscious responses. We will touch on diversity in a broad sense—such as generational, socio-economic, gender-based, and ethnic—and you will get resources for learning more about our fascinating similarities and differences.

▪ **LexisNexis Refresher**

Use LexisNexis to access legal information and news for Indiana and beyond. This refresher session will demonstrate the time saving methods for accessing Indiana case law, statutes, and regulations, as well as other state and federal material. The ability to instantly Shepardize all case law will be a focal point, as will print and download functionality. This session is intended for persons already possessing a basic knowledge of the tools needed to navigate the Lexis research website. Laptops will be provided for hands-on training, and will be available on a first come, first served basis.

11:30 A.M. CONFERENCE ADJOURNS



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Indianapolis, IN 46204

Phone: 317-232-1313
Fax: 317-233-3367

Spouse & Guest Information

Below you will find events and a list of the education sessions a spouse or guest is welcome to attend during the Annual Meeting, space permitting.*

JUDICIAL OFFICER BENEFIT INFORMATION

Staff from the Division of State Court Administration will be available on Tuesday and Wednesday of the conference to answer questions about judicial officer benefits. On Wednesday, several insurance carriers and retirement plan administrators will provide information on the various benefit plans currently being offered to judicial officers.

EDUCATION SESSIONS OF PARTICULAR INTEREST TO SPOUSES/GUESTS

Tuesday, September 21

10:15 – 11:45 A.M.

- **Internet, Blogs, Social Networking Sites**

Wednesday, September 22

10:15 – 11:45 A.M.

- **Seven Words You Can Never Say on Television**

1:45 – 3:15 P.M.

- **Atticus Finch Ethics and the 21st Century**

3:30 – 4:30 P.M.

- **What's Happening with Your Courthouse—
Courthouse Use & Preservation**
- **A Leisurely Drink from the Fire Hose**

Stay Fit During the Conference

A yoga class will be offered on Thursday, September 23rd at 6:45 A.M. Join in with a registered yoga instructor and start your day with a moderately-paced yoga class. Please wear loose clothing and bring a towel or a yoga mat.

Plan to stop by the Spouses' Table, which will be located near the Indiana Judicial Center's registration area.

***Education sessions at the Annual Meeting are designed for the professional development of judicial officers.** Spouses/guests are welcome to attend those sessions designated "spouse/guest welcome." If a spouse/guest is an attorney and wants CLE credit, they are responsible for reporting their own attendance hours to the Indiana Commission for Continuing Legal Education. The Indiana Judicial Center will not be responsible for reporting spouse/guest attendance hours.